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*Security 7*  
*Records*

OGC REVIEW COMPLETED

5 April 1955

MEMORANDUM FOR THE RECORD

SUBJECT: Public Law 513

1. On Thursday, 31 March 1955, I discussed subject law with Mr. John Reilly of the Department of Justice. Mr. Reilly had been a principal figure in the prosecution of the recent [ ] case, and his principal duties involve him in laws and cases related to subject act.

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2. My first question to Mr. Reilly concerned Section 2a which is a statutory definition of classified information. It was his opinion that the language "information which is . . . for reasons of national security specifically designated by a United States Government agency for a limited or restricted dissemination or distribution" was for purposes of prosecution substantially similar to information affecting the national defense, as used in Sections 793 and 794 of Title 18. It was his opinion that the requirements of proof would be substantially the same for subject law and for Sections 793 and 794 of Title 18.

- a. It was suggested that there was some opinion that the original drafters of subject law did not intend "classified information" to refer to Sections 793 and 794. What they had in mind was the formalized procedures under which COMINT documents and information were handled.
- b. It was Mr. Reilly's further opinion that if a document were marked COMINT under present procedures, but was not classified under Executive Order 10501, no prosecution will lie. In addition, Reilly was of the opinion that a COMINT document that was classified in accord with the Executive Order, but was not marked in accord with COMINT procedures, prosecution under this law would be possible. However, it was agreed that with respect to COMINT information and other categories set forth in Section 1, the appropriate code words indicating limited distribution should always be used, thus avoiding a possible argument in the event of prosecution.

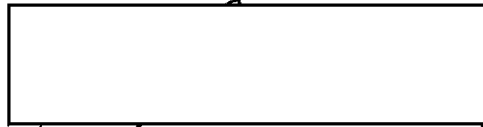
3. There was some discussion concerning Section 2b which defines the terms "code, cipher, and cryptographic system." The same line of reasoning would apply in the case of information under this category as is discussed above for COMINT. There seemed to be no reason why the

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various forms of secret writing could not be afforded the protection of this Act, and particularly if procedures were established to limit distribution in addition to the normal classification under the Executive Order. It was agreed also that documents utilizing cryptonyms and pseudonyms could be brought in under the word "code" if it were demonstrated that the document was passed on to an unauthorized person with an explanation of the meanings of the cryptonyms and the true names of the pseudonyms used.

4. It can be concluded then that some administrative steps taken at this time through establishing proper procedures and designators for access to the categories of information mentioned in the Act could possibly avoid serious questions in the event of prosecution as to whether or not the terms of PL 513 applied or whether reliance would have to be placed on Sections 793 and 794 of Title 18. Further consideration should be given to requesting a written opinion of the Department of Justice with respect to the true meaning of "classified information" in the Act.

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Deputy General Counsel